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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,504	02/26/2007	Claude Daloz	5284-74PUS	4240

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EXAMINER
ELLIOTT IV, BENJAMIN H

ART UNIT	PAPER NUMBER
2474	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/586,504	DALOZ ET AL.
	Examiner	Art Unit	
	BENJAMIN ELLIOTT	2474	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 October 2009 and 01 December 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-6</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-6 have been examined and are pending. Claims 1-6 stand

rejected.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 10/03/2009 has been entered.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-6 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negated by the manner in which the
> invention was made.

5.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

7.   Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable

over United States Patent 7,366,188 B2 to Kim (hereinafter "Kim"), in view of

United States Patent 6,631,416 B2 to Bendinelli et al. (hereinafter "Bendinelli").

Regarding Claim 1, Kim discloses **a system for communication**

between a first computer terminal of a private Internet Protocol (IP) network

and a second computer terminal of a public IP network (Kim: Col. 3, lines 23-

27. A request to set-up a tunnel is sent from a host on a first private network to a

host on second private network connected to a public network.), **said**

communications system comprising:

a network boundary equipment (Kim: Col. 3, lines 51-56. A NAPT protocol is

used for address translation.);

a mediation system in the private IP network that is associated with the

first computer terminal (Kim: Col. 3, lines 47-50. The VPN processor acts as a

server or client through the public or private network interfaces.).

Kim does not expressly disclose using the same service port of the

mediation for communication.

Bendinelli discloses a means for establishing a tunnel between two

computers on a network (Bendinelli: Abstract). Bendinelli discloses a mediation

system (Bendinelli: Figure 16A) and a network boundary equipment (Bendinelli:

Col. 4, lines 23-28). Bendinelli further discloses **said mediation system being**

configured to make an IP interface available to the second terminal via a

service port of the mediation (Bendinelli: Col. 4, lines 29-40. First port and

second port are established between a first terminal and a second terminal.).

Bendinelli discloses a **control server in the public IP network** (Bendinelli:

Figure 6), **said control server being operable to configure and control said**

mediation system via a communications tunnel established through said

network boundary equipment using the service port of the mediation

system (Bendinelli: Figure 16A and Col. 43, lines 4-18. The single tunnel

comprises a control path between the server and the gateway of the private

network.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kim to include the communications tunnel of Bendinelli. This benefits the system by quickly establishing virtual private networks over a communication system (Bendinelli: Col. 3, lines 50-62).

Regarding Claim 2, Kim in view of Bendinelli discloses **the communications system according to claim 1, wherein said IP interface comprises a Transmission Control Protocol User Datagram Protocol IP (TCP/UDP/IP) interface** (Bendinelli: Col. 23, lines 13-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kim to include the communications tunnel of Bendinelli. This benefits the system by quickly establishing virtual private networks over a communication system (Bendinelli: Col. 3, lines 50-62).

Regarding Claim 3, Kim in view of Bendinelli discloses **the system according to claim 2, wherein said communications channel comprises a TCP channel operable to transmit TCP or UDP packets arriving at an internal interface of the mediation system** (Bendinelli: Col. 23, lines 13-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kim to include the communications tunnel of Bendinelli. This benefits the system by quickly establishing virtual private networks over a communication system (Bendinelli: Col. 3, lines 50-62).

8.   Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kim and Bendinelli, in view of United States Patent Application Publication

2004/0028035 A1 to Read (hereinafter "Read").

Regarding Claim 4, Kim in view of Bendinelli discloses **the system**

according to claim 3, but is silent on, when relaying a packet from a port

opened beforehand by the control server which indicates the receiver port, IP

address and port number of sending port, and the received packet.

Read discloses a communication system for handling Internet calls

between a public network and a private network separated by a NAT (Read:

Abstract). Read further discloses **wherein the mediation system is operable to**

relay a packet received at a receiver port opened beforehand by the control

server (Read: [0127] and Figure 2. A proxy interface agent receives control

signals from an external server to open and/or close UDP sockets behind, or

within the firewall. Following security protocols, the agent will then relay the

packet.), **indicating an identifier of the receiver port** (Read: [0129]. The agent

forms an association between the external terminal and its own end with regards

to the IP address and port.), **an IP address and number of a sending port and**

the received packet (Read: [0128]. The agent forms a TCP connection to the

address and port of the external server to relay the packet.).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply further control methods of an external server in the

public network and to relay specific information regarding addresses and ports of

both ends of the communication system as taught by Read to the teachings of

Kim in view of Bendinelli. This benefits the method by further increasing the

efficiency of the registration, configuration, and security of the channel

connections (Read: [0127-0129]).

> **Regarding Claim 5**, Kim in view of Bendinelli discloses **the system**

according to claim 2, but is silent on, when relaying a packet from a port

opened beforehand by the control server which indicates the receiver port, IP

address and port number of sending port, and the received packet.

> Read discloses a communication system for handling Internet calls

between a public network and a private network separated by a NAT (Read:

Abstract). Read further discloses **wherein the mediation system is operable to**

relay a packet received at a receiver port opened beforehand by the control

server (Read: [0127] and Figure 2. A proxy interface agent receives control

signals from an external server to open and/or close UDP sockets behind, or

within the firewall. Following security protocols, the agent will then relay the

packet.), **indicating an identifier of the receiver port** (Read: [0129]. The agent

forms an association between the external terminal and its own end with regards

to the IP address and port.), **an IP address and number of a sending port and**

the received packet (Read: [0128]. The agent forms a TCP connection to the

address and port of the external server to relay the packet.).

> It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply further control methods of an external server in the

public network and to relay specific information regarding addresses and ports of

both ends of the communication system as taught by Read to the teachings of

Kim in view of Bendinelli. This benefits the method by further increasing the

efficiency of the registration, configuration, and security of the channel

connections (Read: [0127-0129]).

Regarding Claim 6, Kim in view of Bendinelli discloses **the system**

according to claim 1, but is silent on, when relaying a packet from a port

opened beforehand by the control server which indicates the receiver port, IP

address and port number of sending port, and the received packet.

Read discloses a communication system for handling Internet calls

between a public network and a private network separated by a NAT (Read:

Abstract). Read further discloses **wherein the mediation system is operable to**

relay a packet received at a receiver port opened beforehand by the control

server (Read: [0127] and Figure 2. A proxy interface agent receives control

signals from an external server to open and/or close UDP sockets behind, or

within the firewall. Following security protocols, the agent will then relay the

packet.), **indicating an identifier of the receiver port** (Read: [0129]. The agent

forms an association between the external terminal and its own end with regards

to the IP address and port), **an IP address and number of a sending port and**

the received packet (Read: [0128]. The agent forms a TCP connection to the

address and port of the external server to relay the packet.).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply further control methods of an external server in the

public network and to relay specific information regarding addresses and ports of

both ends of the communication system as taught by Read to the teachings of

Kim in view of Bendinelli. This benefits the method by further increasing the

efficiency of the registration, configuration, and security of the channel

connections (Read: [0127-0129]).

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to BENJAMIN ELLIOTT whose telephone

number is (571)270-7163. The examiner can normally be reached on Monday

thru Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Aung Moe can be reached on (571)272-7314. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/   BENJAMIN ELLIOTT
Supervisory Patent Examiner, Art Unit 2474   Examiner
                                                            Art Unit 2474